



Lamoine Board of Selectmen

606 Douglas Hwy
Lamoine, ME 04605
(207) 667-2242
town@lamoine-me.gov

Minutes of April 21, 2011

Chair Jo Cooper called the meeting to order at 7:00 PM.

Present were: Selectmen William Brann, S. Josephine Cooper, Gary McFarland, Richard Fennelly Jr.; Administrative Assistant Stu Marckoon, Robert & Colene Sharkey, Merrill Boynton, Cathy Smeal and Road Commissioner/Assessor/Deputy CEO Michael Jordan. Selectman Cynthia Donaldson had informed the Board she would not be able to attend.

Boston Post Cane – Selectmen presented the Boston Post Cane to Merrill Boynton who is now the oldest citizen of Lamoine at the age of 95. Mr. Boynton posed for several pictures and graciously received a certificate from the chair as well as the cane.

Request from Robert Sharkey – Mr. Sharkey said he read about a robbery in Newburgh and would like to get involved with a theft from Lamoine's Town Office in 1995 or so. He said that he hired a private investigator who conducted an intensive investigation and he wants to find a way if the town could recover the money that was taken.

Mr. Sharkey said he wanted to give the board a copy of the report from himself and from a private investigator and six copies were distributed. He said he wished to reopen the case. He said for some reason the previous district attorney decided not to prosecute the suspects, and one of the juveniles involved was the son of an attorney. Mr. Sharkey said it seems the new District Attorney could reopen the case. Stu asked about the Statute of Limitations which he believes is 7-years in a criminal matter such as this.

Mr. Sharkey said the names of people who were under age were blacked out in the report, but he's been able to get those names. He said he has written letters to the Ellsworth American and the Bangor Daily News and proceeded to read the letters. He expressed concerns over the amount of oversight at town offices. Jo said the Board would let Mr. Sharkey know what they find out.

Minutes of April 7, 2011 – Richard moved to approve the minutes as presented. Gary 2nd. **Vote in favor was 3-0 (Cooper abstained).**

Expenditure Warrant 20 – Selectmen signed the warrant in the amount of \$197,977.46. Stu reported most of that was for the monthly school bill.

Cash & Budget Report – Stu reported that Richard McMullen had presented the storm and fuel use figures and the maximum escalator in the snow plowing contract would be in order and that would be on the next warrant.

Investment Reports – The written reports were included in the Selectmen Packets. Stu noted the income from the Hodgkins Trust was pretty steady.

Health Insurance – The Board opted to wait to meet with the Tax Collector/Town Clerk before deciding on a plan. Stu noted that POS C was the most commonly chosen plan across the state. He said the representative from MMA would meet with him on May 11th.

Illegal Dumping Complaint – Jo explained that the Selectmen wrote to Russell Boynton Jr. regarding a complaint that he was again bringing trash from out of town to the transfer station. She said that Mr. Boynton wrote back and provided some receipts. Those letters were hand delivered to Richard and Gary.

Richard said this is one of those unpleasant tasks the Selectmen have to deal with. He reviewed the pertinent sections of an agreement that Mr. Boynton signed last October with the Board. Richard said there is no question that Mr. Boynton hauled the trash for two non-Lamoine customers on one occasion after the agreement was signed. Jo said if that happened at all, it is clear what the agreement was. Richard said he agreed, though it's unpleasant and the Board is aware of the impact on people, and the Selectmen do not have any wiggle room. He said the agreement states clearly that if Mr. Boynton brings out of town trash to the Lamoine Transfer Station he would be barred from using the facility for one year, and is liable for restitution and a fine. He said it was clear and Mr. Boynton signed the agreement. He said to do anything other than to follow through on the agreement would negate the effect of the agreement. Bill said the penalty was reiterated above the signature line in the agreement.

Jo said the only part unclear is the restitution amount. Stu said the formula used previously could be used – it would not be very much. Richard said the agreement has to be followed. Jo said the Selectmen gave Mr. Boynton every possible opportunity to not have it happen again. She said he made a choice, and that the Selectmen need to communicate that, and that they appreciate the communication and explanation. Bill said it comes down to a matter of trust that people will abide by the rules of the transfer station. He said there is no sentry to check the bags and the rules are not very strict. He said the trust has been broken for a third time by Mr. Boynton. He said he is looking for room to believe that trust could be repaired. Jo said the Selectmen tried to make a clear agreement. Bill said the Board was lenient on the 1st two occasions.

Richard asked if there was any reason to think the town could impose a system to accept commercial trash at the transfer station for a fee. Stu said he'd been thinking about that as a possible revenue source. A lengthy discussion followed and the Selectmen agreed they would be interested in exploring the idea in the future.

Jo moved to follow the consent agreement with Russell Boynton Jr. and to bar him from using the Lamoine Transfer Station for one year effective May 1, 2011, with restitution payable for reinstatement on May 1, 2012. Richard 2nd. **Vote in favor was 4-0.** Richard said that the letter should state that the move was made with reluctance. Stu asked about an avenue for appeal. A very brief discussion followed. Jo said the

commercial hauler option could also be communicated. Discussion followed on whether the rules would change if such an option were implemented, and it was agreed that Mr. Boynton might be eligible to use the facility under a new structure.

PERC Tonnage – Stu reported that Pine Tree Waste discovered that a former driver and supervisor had a miscommunication and that all the commercial accounts they picked up in Lamoine had been mingled on several Mondays and dumped at PERC on the Lamoine transfer station account. He said Pine Tree would be crediting the town for the amount of waste in excess of the 2010 amount for the first quarter.

Recycling Contract – Stu reported he has yet to get together with the salesman from Pine Tree to nail down a contract.

Returnables - Jo moved to approve the Lamoine Parks Commission for the returnable proceeds from May 2011. Gary 2nd. **Vote in favor was 4-0.**

Sweeping – Selectmen opened the lone bid received. George Crawford bid \$4,000 to do the job. Richard asked what the budget was. Stu said \$2,200. There was a brief discussion about the impact on the road budget. Jo moved to award the bid to Mr. Crawford at the bid price. Gary 2nd. Bill asked about the quality of his work. Stu said he's done the job in the past with excellent results. **Vote in favor was 4-0.**

Lawn Care – Selectmen reviewed the offer from Lawn Enforcement to continue at the same prices as last year. Jo moved to continue using the service. Richard noted that if the price of gas exceeds \$4/gallon there would be an increase and 2nd the motion. **Vote in favor was 4-0.**

Bloomfield Park Privy – Stu reported that he has prepared a Shoreland Permit application for the privy, the HHE200 has been completed, and the 100-foot setback stakes are in the ground.

Cable TV Room Update – Stu reported that the Excalibur crew was back today and they're nearly done with the rewiring. A short discussion followed on cell phone reception.

Agency Liquor Store – Stu reported that he received an e-mail message from Kim Murphy earlier in the day and that a petition is in the works to possibly schedule a vote on allowing liquor sales later this year.

Gully Brook Road Winter Maintenance – Stu reported it is time to renew the winter maintenance closure on Gully Brook Road for 10-years. A short discussion followed on the wording of the public hearing notice. Jo moved to hold the public hearing on May 5, 2011. Richard 2nd. **Vote in favor was 4-0, Jo signed the hearing notice.**

Cable TV Ops Manager – Stu reported the cable TV committee is proposing to hire a part time person to produce, schedule and operate the system as well as to try to recruit volunteers. Jo said it seems like a good idea. Richard said it would be nice to see the

system used more. A discussion followed on the budget for wages. Stu said if the Selectmen are in favor of the idea, an advertisement could be placed toward the end of the fiscal year. Bill asked if Stu was doing most of that work already. Stu said he was.

Budget Committee Appointment – Jo asked if two alternates could be appointed to the Budget Committee. A brief discussion followed and it was agreed there was no reason not to allow that. Jo moved to appoint both Deborah Verrill-McFarland and Cece Ohmart to the Budget Committee as alternates. Gary 2nd. **Vote in favor was 4-0.**

Board of Appeals Appointment – Jo moved to appoint Jon VanAmringe as an alternate member of the Board of Appeals. Gary 2nd. **Vote in favor was 4-0.**

Job Descriptions & General Office Policy – Jo moved to approve both the newly revised General Office Policy and the revised Job Descriptions which have been in the drafting phase for the past several months. Gary 2nd. **Vote in favor was 4-0.**

Draft Hazard Communications Policy – Stu reported he based the draft on the fire department policy in order to bring the town office into compliance with the Bureau of Labor Standards. A short discussion followed on MSDS sheets. Stu urged the Selectmen to look over the draft with an eye toward approval next meeting.

Ordinance Fee Workshop – Stu reported that he prepared an extensive report on the costs that go into regulated activities and it was with the material in the Selectmen packets this evening. After a brief discussion, Selectmen opted to hold a joint workshop with the Planning Board, Code Enforcement Officer and Assessors on May 16th (Monday) at 7PM.

Job Performance Review – Selectmen said they would like to meet with 2-or-3 appointees at a time, and Stu agreed to set up the schedule.

Other – Environmental Complaint – Richard asked that the Code Enforcement Officer call his cell phone to get together on a complaint between Douglas Highway and Buttermilk Road.

Shellfishing Update – Richard reported that the Shellfish Conservation Committee is still looking for the pollution point source on the Skillings River. He said the latest set of samples was acceptable, but many samples are needed before the area can be reopened. He said that could take up to a year.

Richard said they are also dealing with a legislative issue, urging that violations of the ordinance be treated as a criminal violation instead of a civil violation. He said because of the civil process, fines are not being paid, and that has affected the budgeting for the region. He noted one digger in Deer Isle has accumulated \$14,000 in fines that are not being paid. He said an e-mail was sent to Representative Malaby and Senator Langley asking to restore Shellfishing violations to criminal status.

Next Meetings

The Selectmen will meet next on May 5, 2011. The dates for the summer meetings will be July 21, 2011 and August 18, 2011.

There being no further business, the meeting adjourned at 8:19 PM

Respectfully submitted,

Stuart Marckoon, Adm. Asst. to the Selectmen